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7 Attorneys for Defendant HITACHI HIGH TECHNOLOGIES  
AMERICA, INC., a Delaware Corporation

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 TA CHONG BANK LTD.,  
12 Plaintiff,  
13 v.  
14 HITACHI HIGH TECHNOLOGIES  
15 AMERICA, INC., a Delaware Corporation; and  
16 DOES 1-10, inclusive,  
17 Defendants.

Case No: C-08-02452-PJH

**DEFENDANT HITACHI HIGH  
TECHNOLOGIES AMERICA, INC'S  
SUPPLEMENTAL REQUEST FOR  
JUDICIAL NOTICE**

1           Defendant Hitachi High Technologies America, Inc. (“HTA”) respectfully requests this  
2 Court take judicial notice of the following document:

3       1. “Counterclaim of Ta Chong Bank Ltd. for (1) Fraud; (2) Negligence; and (3) Breach  
4           of Contract” filed in *John Kendall v. Ta Chong Bank Co., LTD.*, Case No. 06-04282  
5           in the United States Bankruptcy Court for the Northern District of California. A true  
6           and correct partial copy of the Counterclaim is attached to the Declaration of Avin P.  
7           Sharma in Support of Defendant Hitachi High Technologies America, Inc’s Request  
8           for Judicial Notice as **Exhibit A**.

9           Fed. R. Evid. Rule 201 allows a court to take judicial notice of facts that are not subject  
10          to reasonable dispute because they are “(1) generally known within the territorial jurisdiction of  
11           the trial court or (2) capable of accurate and ready determination by resort to sources whose  
12           accuracy cannot reasonably be questioned.” Fed. R. Evid. Rule 201. A court may take judicial  
13          notice of matters of public records. *Moore v. Navarro*, No. 00-03213 MMC, 2004 U.S. Dist.  
14          LEXIS 6039, \*5-6, (N.D.Cal April 5, 2004). A document filed in a bankruptcy proceeding is a  
15          matter of public record. 11 U.S.C. § 107. In addition, documents filed in other legal  
16          proceedings are matters of public records subject to judicial notice. *Mullis v. United States*  
17          *Bankruptcy Court*, 828 F.2d 1385, 1388, fn. 9 (9th Cir. 1987) (Court took judicial notice of  
18          pleadings and orders “in the underlying bankruptcy case.”); *Esoimeme v. United Airlines, Inc.*,  
19          369 B.R. 531, 533, fn.2 (N.D. Cal 2007) (district court took judicial notice of voluntary petition  
20          and bankruptcy court’s orders); *Slali v. Ruiz (In re Slali)*, 282 B.R. 225, 228, fn. 2 (C.D. Cal  
21          2002) (district court took judicial notice of proof of claim submitted in bankruptcy proceeding).

22           Here, the Counterclaim is subject to judicial notice as Ta Chong filed this pleading in the  
23          bankruptcy proceeding and thus it is a public record subject to judicial notice. Accordingly,  
24          HTA respectfully requests this Court to grant judicial notice of the above listed document.

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1 DATED: June 25, 2008

VASQUEZ BENISEK & LINDGREN LLP

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4 By: \_\_\_\_\_ /s/  
5 AVIN P. SHARMA  
6 Attorneys for Defendant HITACHI HIGH  
7 TECHNOLOGIES AMERICA, INC., a  
8 Delaware Corporation

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